

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

IN RE: PHARMACEUTICAL INDUSTRY	)	MDL NO. 1456
AVERAGE WHOLESALE PRICE	)	
LITIGATION	)	CIVIL ACTION: 01-CV-12257-PBS
	)	
	)	Judge Patti B. Saris
THIS DOCUMENT RELATES TO	)	
ALL CLASS ACTIONS	)	

**STIPULATION AND [PROPOSED] ORDER TO EXTEND TIME**

All plaintiffs and all Track 2 Defendants<sup>1</sup> in the above-captioned action, by and through undersigned counsel, respectfully present the following stipulation and request that the stipulation be entered as an order.

WHEREAS, on March 1, 2006, plaintiffs filed their Fourth Amended Master Consolidated Class Action Complaint to Comply with the Court's Class Certification Order ("FAMCC"); and

WHEREAS, the Track 2 Defendants have filed a Motion to Strike (Docket # 2249) that addresses certain amendments to the FAMCC; and

WHEREAS, resolution of the Track 2 Defendants' Motion to Strike will affect the responses of the Track 2 Defendants to the FAMCC; and

WHEREAS, this stipulation relates only to the Track 2 Defendants' obligation to

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<sup>1</sup> Pfizer, Inc., Pharmacia Corp., Pharmacia & Upjohn, Inc., Abbott Laboratories, Amgen, Inc., Aventis Pharmaceuticals, Inc., Aventis Behring, L.L.C., Hoechst Marion Roussel, Inc., Bayer Corporation, Baxter International, Inc., Baxter Healthcare Corp., Dey, Inc., Fujisawa Health Care, Inc., Fujisawa USA, Inc., Immunex Corporation, Sicor, Inc. f/k/a Gensia, Inc., Gensia Sicor Pharmaceuticals, Inc., and Watson Pharmaceuticals, Inc.

respond to the FAMCC and is not, and should not be interpreted as, an agreement to stay discovery or other pretrial deadlines; and

WHEREAS, it is in the interest of efficiency for this Court and the parties if the Track 2 Defendants are not required to file answers or other responses to the FAMCC at this time;

THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, and the parties respectfully request the Court to enter an order that no defendant need answer or otherwise respond to the FAMCC until 30 days after the Court issues an order deciding The Track 2 Defendants' Motion to Strike (Docket # 2249).

Dated: March 16, 2006

Respectfully Submitted,

/s/ Steven W. Berman

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**Counsel for Pfizer, Inc., Pharmacia Corp. &  
Pharmacia & Upjohn, Inc. On Behalf of the  
Track 2 Defendants**

**CERTIFICATE OF SERVICE**

I, Mark D. Smith, hereby certify that on March 16, 2006, I caused a true and correct copy of the foregoing Stipulation and [Proposed] Order to Extend Time to be served on all counsel of record via electronic service pursuant to Paragraph 11 of Case Management Order No. 2, by sending a copy to LexisNexis File & Serve for posting and notification to all parties.

Dated: March 16, 2006

/s/ Mark D. Smith  
Mark D. Smith, Esq.

**[PROPOSED] ORDER**

IT IS HEREBY ORDERED THAT the Track 2 Defendants need not answer or otherwise respond to the Fourth Amended Class Action Complaint to Comply With the Court's Class Certification Order until 30 days after the date of the Court's order deciding the Track 2 Defendants' Motion to Strike (Docket # ).

SO ORDERED:

This \_\_\_\_ day of March, 2006

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Hon. Patti B. Saris  
United States District Judge